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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23429 7590 07/20/2004

08/16/2001

Arthur A. Bertolero

ESTC-004

5712

GREGORY SMITH & ASSOCIATES  
3900 NEWPARK MALL ROAD, 3RD FLOOR  
NEWARK, CA 94560

RECEIVED  
7/26/04  
OAS

EXAMINER

MAYNARD, JENNIFER J

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 6-21-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Archie Green  
Legal Instruments Examiner (LIE)

703-306-0410  
Telephone No.



GP-3763  
EFW

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appn. No.: 09/913,881  
Applicant: Arthur A. Bertolero  
Filing Date: August 16, 2001  
Title: MULTI-CHANNEL CATHETER WITH OBTURATOR

TC/A.U.: 3763  
Examiner: Maynard, Jennifer J.

Docket No.: 193-031U

Mailed: July 29, 2004  
at Newark, CA

**Response to Notice of Non-compliant Amendment**

MailStop Non Fee Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment for the above-identified patent application, mailing date July 20, 2004, kindly accept the enclosed resubmitted listing of the claims for the Amendment mailed June 16, 2004. Per your instructions, the canceled claims have been broken into groups for listing in numerical order.

Very respectfully,

CAROL D. TITUS  
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Registration Number: 38,436  
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**CERTIFICATE OF MAILING**

I hereby certify that this document addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 will be deposited with the U.S. Postal Service as first class mail with sufficient postage at Newark, CA on July 29, 2004.

Signature:

  
Evanjin M. Dasalla